

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

OBAMA FOR AMERICA

Plaintiff,

v.

DEMSTORE.COM and WASHINGTON  
PROMOTIONS & PRINTING, INC.,

Defendants.

Civil Action No.

Jury Trial Demanded

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**DECLARATION OF MEAGHAN BURDICK**

1. I am over 18 years of age and make this Declaration based upon personal knowledge of the facts set forth below except as to those matters stated on information and belief, and as to those matters, I believe them to be true. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. I am the Director of Marketing and Merchandise for Obama for America ("OFA" or the "Campaign"), and have worked in this position since April, 2011. I held the same position in the 2008 Obama campaign. I have worked for OFA for over five years, and I have been involved in grassroots fundraising for political campaigns and other related entities for more than thirteen years. This Declaration is filed in support of OFA's Motion for Preliminary Injunction.

3. OFA cannot receive any contributions from incorporated entities, and contributions from individuals are limited to \$2,500 per election from a single individual in the 2012 election cycle.

4. Revenue from merchandise purchases is treated as a contribution to Obama Victory Fund 2012 ("OVF"), a joint fundraising committee on behalf of OFA, the Democratic National Committee, and several state parties. Contributions to OVF are first allocated to OFA, up to an individual's contribution limit, and any remaining proceeds are split between the other

participating committees subject to those entities' own limits. Because very few donors exceed their contribution limits to OFA, over 97% of revenue from merchandise sales goes directly to OFA.

5. OFA expects to obtain approximately 2.5% of total contributions made by individuals to the Campaign through the sale of campaign merchandise bearing the Rising Sun Trademarks.

6. OFA relies heavily on attracting and retaining large numbers of donors who contribute relatively small dollar amounts to the Campaign.

7. The sale of Campaign merchandise at the <https://store.barackobama.com> website is a crucial part of this approach, and is one of the many important ways that OFA interacts with voters and potential supporters.

8. Each time a supporter makes a relatively small purchase on the website, OFA obtains that individual's contact information, which OFA can then use to reach out to that individual repeatedly to seek further donations and further opportunities to promote the Campaign.

9. Among the products OFA currently offers using the Rising Sun Trademarks are clothing, signs, posters, buttons, and other merchandise related to the re-election effort.

10. OFA has been using the Rising Sun mark since 2007, and the 2012 Rising Sun mark since 2011.

11. In the 2008 election, the sale of merchandise bearing the Rising Sun Trademarks raised approximately \$37 million for the Campaign.

12. More than 65% of this money was raised in the final six months preceding the election, and more than 50% was raised in the final three months preceding the election.

13. Such timing for fundraising is customary for presidential elections, and OFA expects similar timing of fundraising in the current election cycle.

14. OFA expects to make over 65% of its merchandise sales between now and the November 2012 election.

15. Approximately 2 million items bearing the Rising Sun Trademarks were sold on the OFA website over the 2008 election cycle.

16. OFA, through its online store, markets and sells campaign merchandise bearing the Rising Sun Trademarks in order to obtain revenue to be used by the Campaign in its reelection efforts, and to obtain contact information of supporters and potential supporters.

17. While the [www.barackobama.com](http://www.barackobama.com) website at which OFA sells its products offers more than an online store for campaign merchandise, the online store component is a central part of the site and the best way for supporters to purchase campaign merchandise.

18. Most of the purchases of merchandise bearing the Rising Sun Trademarks are for relatively small dollar amounts, averaging approximately \$43 per purchase.

19. OFA has spent significant time, effort and money developing the good will that is currently associated with the Campaign and symbolized by the Rising Sun Trademarks.

20. When supporters browse the website in order to purchase merchandise, they are given the opportunity to learn about the Campaign, and the Campaign relies on these interactions with supporters to help promote the Campaign.

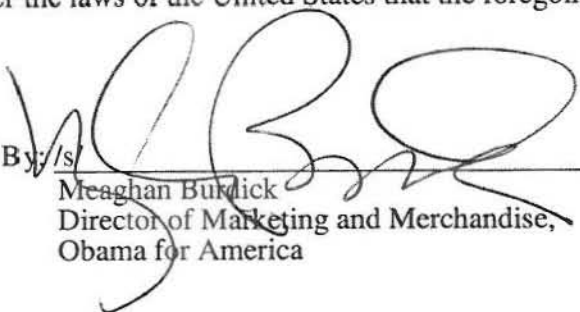
21. When merchandise purchased through OFA's website is shipped, OFA includes promotional materials in the packages, such that the very shipping of this merchandise provides an additional opportunity for OFA to promote the Campaign.

22. The vast majority of campaign merchandise sales occur during the final six months preceding the election.

23. In just the final six months preceding the 2008 election, OFA sold over \$23 million in merchandise through its online store, making up over 65% of its total merchandise sales.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: May 12, 2012

By:   
Meaghan Burklick  
Director of Marketing and Merchandise,  
Obama for America